IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 10895 of 2003

Between:

C.Uma Maheswara Prasad s/o C.Subramanyam
R/o Avulanna Village., Beluguppa Mandal.,
Ananthapur District.

..... PETITIONER

AND

1 The Andhra Pradesh State Finance Corpo- ration, Anantapur Branch.,
Rep.by its Branch Manager., Ananthapur., Ananthapur District.
2 R.Kasinath s/o R.Shankaraiah
Prop.Uma Oil Mill., Belaguppa Village and Mandal.,
Ananthapur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ order or direction particularly one in the nature of Writ of Mandamus declaring the action of the 1st respondent in accepting the bid of the 2nd respondent pursuant to the notification of sale dated 18-3-2003 for poultry amount as illegal, arbitrary against the principles of natural justice and contrary to the provisions of the State Finance Corporation Act and consequently direct the respondents for one time settlement.

Counsel for the Petitioner:MR.P.VINAYAKA SWAMY

Counsel for the Respondent No.1: MS Y.N.LOHITA

The Court made the following :

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ORDER:-

Heard both the learned counsel and at their request, the main writ petition itself is taken up for disposal.

Petitioner herein, who has obtained loan for establishing a unit, subsequently failed to discharge the same. Therefore, his properties are proceeded against and sale has been held. Hence the writ petition.

The main grievance of the petitioner is that there is no dispute in regard to obtaining loan, however, the petitioner has discharged the loan to the extent of 70% of the loan and the balance 30% remained, for which the property i.e., worth more than Rs. 8,00,000/- is being sold. In the auction the bid was confirmed at Rs.2.82 lakhs, without properly taking into consideration the actual market value and the sale price prevailing.

Learned Standing counsel for the Corporation submits that taking into consideration the amount due, the property was put to sale in the auction, which was knocked in favour of highest bidder and that the sale was confirmed and possession was also delivered. Therefore, any interdiction, at this stage, is wholly unsustainable.

Considering the submissions made on either side and on perusal of the material on record, it is seen that the property of the petitioner worth Rs.8,00,000/- was sold in auction at a paltry amount, as a result of which the petitioner suffered loss. It is to be noticed that according to law, the respondent-finance corporation brought the properties of the petitioner to sale, which was already conducted and there cannot be any interdiction, at this stage, nor the Court can go into such questions. The petitioner stated that he is prepared to pay the balance amount to get the sale set aside. Even this prayer also cannot be gone into by this Court under Article 226 of the Constitution of India. Therefore, I do not find any merit in this writ petition.

Accordingly, this writ petition is dismissed. However, it is open to the petitioner to approach the respondents herein by filing proper application, which can be considered and disposed of by the respondents in accordance with law.

10—08—2004.

Stv/-

To

1 Branch Manager.The Andhra Pradesh State Finance Corpo- ration, Anantapur Branch, Ananthapur., Ananthapur District.

2 2CD copies.